

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 MELODY REINHARDT,

Plaintiff,

3:14-CV-0588-HDM-VPC

5 v.

6 CAROLYN W. COLVIN, Acting
7 Commissioner of Social Security,

8 Defendant.

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

9
10 This Report and Recommendation is made to the Honorable Howard D. McKibben,
11 United States District Judge. The action was referred to the undersigned Magistrate Judge
12 pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. Before the court is plaintiff's failure to file
13 an opening brief in this matter. For the reasons set forth herein, the court recommends that
14 plaintiff's complaint be dismissed without prejudice.

15 Plaintiff commenced this action on November 17, 2014 by filing an application to proceed
16 *in forma pauperis* and a complaint alleging that she was wrongfully denied social security
17 disability benefits (#1). Plaintiff was granted leave to proceed *in forma pauperis* (#2), and the
18 complaint was filed (#3) and served (#s 4 & 5). Defendant filed an answer on March 16, 2015
19 (#8).

20 The court issued a standard order concerning review of social security cases (#10) which
21 required plaintiff to file a motion for reversal or remand on or before April 16, 2015. Plaintiff
22 sought and was granted two extensions of time for a total of fifty-seven additional days to June
23 12, 2015 to file an opening brief. On the eve of that deadline, plaintiff's counsel filed a motion to
24 withdraw as attorney of record (#15). Counsel stated that plaintiff had failed to communicate
25 with him despite several attempts to contact her in May and June 2015 (#15). A copy of this
26 motion was mailed to the plaintiff at her address in Carson City, Nevada. *Id.*

27
28

1 The court granted the motion to withdraw and *sua sponte* granted plaintiff an additional
2 sixty days to September 21, 2015 to file an opening brief (#16). A copy of the order was mailed
3 to plaintiff at her last known address. *Id.*

4 To date, no motion for reversal or remand has been filed. No motions for additional time
5 have been filed. Therefore, the court recommends that plaintiff's complaint be dismissed without
6 prejudice.

7 The parties are advised:

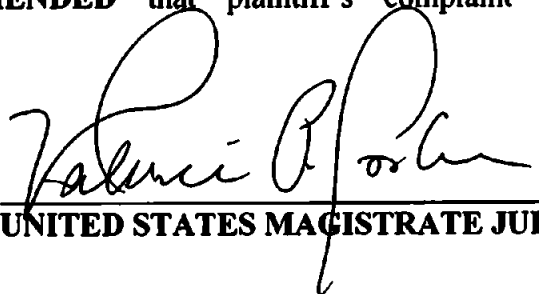
8 1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Local Rule IB 3-2, the parties may file
9 specific written objections to this Report and Recommendation within fourteen days of receipt.
10 These objections should be entitled "Objections to Magistrate Judge's Report and
11 Recommendation" and should be accompanied by points and authorities for consideration by the
12 District Court.

13 2. This Report and Recommendation is not an appealable order and any notice of
14 appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's
15 judgment.

16 **RECOMMENDATION**

17 **IT IS THEREFORE RECOMMENDED** that plaintiff's complaint (#3) be
18 **DISMISSED without prejudice.**

19 **DATED:** September 28, 2015

20 
21 **UNITED STATES MAGISTRATE JUDGE**